

phone on January 4, 2000. The pending, previously allowed claims will be 1 - 11 once this amendment is entered.

Claim 12 was added in the Final Response dated November 23, 1999, and it was very similar to claim 1 before the limitation concerning the amount of glycol was added. Applicant argued in that response that claim 12 was allowable over the prior art. The Examiner agreed, and issued the Notice of Allowance. Since claim 12 is broader than claim 1, and since both were allowed, Applicant now wishes to substitute claim 12 for claim 1.

No new matter or new issues are raised by this amendment.

In addition, it was just recently noticed that there was an error in claim 1. Specifically, claim 1 recited that the preparation contained "at least 1.5 g/ml" Tamoxifen citrate. Actually, the claim should have recited "at least 1.5 mg/ml" Tamoxifen citrate. This mistake occurred in the orginal claims and was maintained throughout the prosecution. The error was caused by an initial typing error in claim 1. It can be seen from page 2, line 26 that the amount indicated is in milligrams. Furthermore, in the examples the amounts are given in milligrams. Thus, no new matter is added by this correction.

On page 5 of the first Office Action, the Examiner indicates that the Derwent Abstract sent in by Applicant was not available as prior art since it discloses "solutions orders of magnitude lower in concentration." However, even in view of the present amendment, it is not believed that the Derwent Abstract renders the present claims unpatentable, because it is directed to a suspension (not a solution). The reference is discussed at page 3, line 7 of the specification.

Favorable consideration of this application is earnestly requested.

Any fee associated with the entry of this paper may be charged to our Deposit Account No. 02-2334, along with any other fees due in this application.

Respectfully submitted,

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